

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

J & J Sports Productions, Inc.,) C/A: 3:12-1145-JFA
vs. Plaintiff,)
vs.) ORDER
L & M Enterprise Solutions, LLC d/b/a 360)
Sports Bar & Grill; Lindburgh Porterfield III;)
and Eugene Michael Flavor,)
Defendants.)

This matter came before the court on August 14, 2012, for a hearing on damages in this case, the defendants all having defaulted and an entry of default having been previously entered by the Clerk. Present at the hearing was attorney Leonard R. Jordan, Jr., representing the plaintiff. At the commencement of the hearing, Mr. Jordan announced the desire to proceed under 47 U.S.C. § 605 sought to recover statutory and enhanced damages, plus out-of-pocket expenses and attorney's fees in this action.

The event giving rise to liability in this case was the unauthorized broadcast of a heavyweight prize fight displayed without authorization at the defendants' restaurant and bar. Mr. Jordan explained to the court that had the defendants properly applied for a license to legitimately broadcast the fight, the license fee would have been \$2,200, based upon the rated capacity of the restaurant of 50 persons. Mr. Jordan suggested that to simply award damages in the amount of the presumed license fee would have no punitive effect and, therefore,

suggested that the license fee should be doubled to \$4,400 as statutory damages. The court agrees that this figure is fair and just under the circumstances of this case.

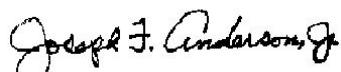
The statute 47 U.S.C. § 605 also provides for the possibility of enhanced damages for a willful violation. The court agrees with the plaintiff that the conduct at issue here was willful and has determined that enhanced damages of three times the statutory damages amount is appropriate in this case. The court will, therefore, award enhanced damages of \$13,200.

At the hearing, Mr. Jordan presented an affidavit to the court indicating that out-of-pocket expenses to date totaled \$1,179.66 and attorney's fees for services rendered up to and including the August 14, 2012 hearing total \$2,376.25. The court finds the attorney's fees requested to be fair and just under the circumstances of this case. These fees and expenses are hereby approved.

For the foregoing reasons, judgment will be entered for the plaintiff against the defendants, jointly and severally, as follows:

Statutory Damages	\$ 4,400.00
Enhanced Damages	\$ 13,200.00
Out-of-Pocket Expenses	\$ 1,179.66
Attorney's Fees	\$ 2,376.25
 Total	 \$21,155.91

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

August 14, 2012
Columbia, South Carolina